

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3435(b)

Repeal sections:

NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION

Government Code Sections 11346.1 and
11349.6

OAL Matter Number: 2016-0823-01

OAL Matter Type: Emergency (E)

This emergency regulatory action by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid (ACP), *Diaphorina citri* in the San Jose area of Santa Clara County by approximately 29 square miles. The amendment provides authority for the state to perform quarantine activities against ACP within this additional area.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 8/26/2016 and will expire on 2/23/2017. The Certificate of Compliance for this action is due no later than 2/22/2017.

Date: August 26, 2016


Eric Partington
Attorney

For: Debra M. Cornez
Director

Original: Karen Ross
Copy: Sara Khalid

NOTICE PUBLICATION/REGULATIONS SUBMISSION**EMERGENCY**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-0823-01E
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California**AUG 26 2016****1:43 P.M.****2016 AUG 23 A 10:21**
OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Department of Food and Agriculture

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Asian Citrus Psyllid Interior Quarantine		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
		AMEND	
		3435(b)	
TITLE(S) 3		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Sara Khalid		TELEPHONE NUMBER 916-403-6625	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) Sara.Khalid@cdfa.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Robert Wynn, Statewide Coordinator, Pierce's Disease Control Program

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ENDORSED APPROVED**AUG 26 2016****Office of Administrative Law**

Amend the following section:

Section 3435. Asian Citrus Psyllid Quarantine.

....

(b) Area Under Quarantine:

....

(3) In Santa Clara and Alameda Counties, in the San Jose and Milpitas areas:
Beginning at the intersection of El Camino Real and San Tomas Expressway; ~~W Hedding Street and N Monroe Street~~; then ~~starting northerly along N Monroe Street to its intersection with Bellomy Street~~; then, ~~northeasterly along said street to its intersection with Alviso Street~~; then, ~~northwesterly along said street to its intersection with Benton Street~~; then, ~~easterly along said street to its intersection with Lafayette Street~~; then, ~~northerly along said street to its intersection with SP Railroad~~; then, ~~northwesterly along said railroad to its intersection with San Thomas Expressway~~; then, starting northerly along said expressway to its intersection with Interstate 101; then, northwesterly along said interstate to its intersection with Great America Parkway; then, northerly along said parkway to its intersection with America Center Drive; then, northwesterly along America Center Drive to its intersection with an Imaginary Line at 37.419605 latitude and -121.979870 longitude; then, northerly along said line to its intersection with the Union Pacific Railroad and Stevenson Boulevard; then, northeasterly along said boulevard to its intersection with Boyce Road; then, southeasterly along said road to its intersection with Auto Mall Parkway; then, northeasterly along said road to its intersection with Boscell Road; then, southeasterly along said road to its intersection with Bunche Drive; then, northeasterly along said drive to its intersection with Brandin Court; then, northeasterly along said court to its intersection with an Imaginary Line at the terminus of said court; then, northeasterly along said line to its intersection with Hannover Place at 37.504312 latitude and -121.962853 longitude; then, northeasterly along said place to its intersection with S Grimmer Boulevard; then, northwesterly along said boulevard to its intersection with Auto Mall Parkway; then, northeasterly along said boulevard to its intersection with

Fremont Boulevard; then, southeasterly along said boulevard to its intersection with Old Warm Springs Boulevard; then, southeasterly along said boulevard to its intersection with Edison Way; then, northeasterly along Edison Way to its intersection with an Imaginary Line at 37.509210 latitude and -121.944687; then, northeasterly along said line to its intersection with Skyway Court at 37.510135 latitude and -121.941542 longitude; then, northeasterly along said court to its intersection with Osgood Road; then, northwesterly along said road to its intersection with Auto Mall Parkway; then, northeasterly along said parkway to its intersection with Durham Road; then, easterly along said road to Paseo Padre Parkway; then, northerly along said parkway to its intersection with Pine Street; then, northeasterly along said street to its intersection with Anza-Pine Road; then, northeasterly along said road to Panorama Trail; then, southeasterly along said trail to its intersection with an Unnamed Road at 37.526398 latitude and -121.900830 longitude; then, northeasterly along said road to its intersection with Mill Creek Road; then, southeasterly along Mill Creek Road to its intersection with an Imaginary Line at 37.519268 latitude and -121.868891 longitude; then, southeasterly along said line to its intersection with Calaveras Road and Leyden Creek; then, easterly along said creek to its intersection with Camp Ohlone Road; then, southeasterly along said road to its intersection with Geary Road; then, southeasterly along said road to its intersection with Alameda Creek; then, southerly along said creek to its intersection with Alameda Diversion Tunnel; then, southwesterly along said tunnel to its intersection with the Santa Clara County Line at 37.484067 latitude and -121.795776 longitude; then, easterly along said line to its intersection with an Imaginary Line at 37.484121 latitude and -121.782138 longitude; then, southerly along said line to its intersection with Arroyo Aguague at 37.382865 latitude and -121.772060 longitude; then, ~~starting~~ southeasterly along Arroyo Aguague to its intersection with Joseph D. Grant County Park Boundary; then, ~~starting~~ southwesterly along said boundary to its intersection with an unnamed road at 37.308691 latitude and -121.715077 longitude; then, ~~starting~~ southwesterly along said road to its intersection with an Unnamed Road at 37.289680 latitude and -121.713879 longitude; then, easterly along an ~~i~~Imaginary ~~L~~Line to its intersection with Yerba Buena Creek at 37.289514 latitude and -121.712155 longitude; then, ~~starting~~ southwesterly along said creek to its

intersection with Villa Vista Road; then, northwesterly along said road to its intersection with Cribari Hills; then, southwesterly along Cribari Hills to its intersection with Cribari Lane; then, starting southeasterly along said lane to its intersection with The Villages Parkway; then, ~~starting southwesterly along said parkway to its intersection with San Felipe Road; then, southeasterly along said road to its intersection with Farnsworth Drive; then, starting southwesterly along said drive to its intersection with Silver Creek Valley Road; then, starting southeasterly along said road to its intersection with~~ then, easterly along said parkway to its intersection with The Villages Fairway; then, southwesterly along said fairway to its intersection with Village-Hermosa Lane; then, southeasterly along said lane to its intersection with Chianti Court; then, westerly along said court to its intersection with an Imaginary Line at the end of said court; then, southerly along said line to its intersection with Meadowlands Lane at 37.283196 latitude and -121.745524 longitude; then, southwesterly along said lane to its intersection with San Felipe Road; then, southeasterly along said road to its intersection with Silver Creek Road; then, westerly along said road to its intersection with Silver Creek; then, southwesterly along an Imaginary Line to its intersection with Piercy Ranch Road and Promenade Court; then, westerly along said court to its intersection with Promenade Lane; then, southwesterly along said lane to its intersection with Basking Ridge Avenue; then, southerly along said avenue to its intersection with Coyote Creek Park Boundary at 37.239853 latitude and -121.762833 longitude; then, southwesterly along said boundary to its intersection with California Highway 85 N; then, northwesterly along said highway to its intersection with Cottle Road; then, southerly along said road to its intersection with Santa Teresa Boulevard; then, westerly along said road to its intersection with Lean Avenue; then, southerly along said avenue to its intersection with Canoas Creek; then, westerly along said creek to its intersection with Snell Avenue; then, southerly along said avenue to its intersection with an Unnamed Road; then, southwesterly along said road to its intersection with Graystone Lane at 37.224365 latitude and -121.836883 longitude; then, southerly along said lane to its intersection with Camden Avenue; then, northwesterly along said avenue to its intersection with Almaden Expressway; then, northwesterly along said expressway to its intersection with Cloverhill Drive; then, southwesterly along an Imaginary Line to its intersection with

Almaden Road and Bose Lane; then, southerly along said lane to its intersection with Camden Avenue; then, westerly along said avenue to its intersection with Firefly Drive; then, northerly along said drive to its intersection with Butterfly Drive; then, westerly along said drive to its intersection with Silberman Drive; then, northerly along said drive to its intersection with Redmond Avenue; then, westerly along said avenue to its intersection with Coleman Road; then, southwesterly along said road to its intersection with Camden Avenue; then, northerly along said avenue to its intersection with Almond Blossom Lane; then, westerly along said lane to its intersection with Harwood Road; then, northerly along said road to its intersection with Blossom Hill Road; then, westerly along said road to its intersection with Leigh Avenue; then, northerly along said avenue to its intersection with Anne Way; then, westerly along said way to its intersection with Kensington Way; then, northerly along said way to its intersection with Hershner Drive; then, easterly along said drive to its intersection with Kentfield Drive; then, northerly along said drive to its intersection with Los Gatos Almaden Road; then, westerly along said road to its intersection with Union Avenue; then, northerly along said road to its intersection with Rosswood Drive; then, southwesterly along said drive to its intersection with Esther Drive; then, northerly along said drive to its intersection with Samaritan Drive; then, westerly along said drive to its intersection with Los Gatos Boulevard; then, northeasterly along said boulevard to its intersection with California Highway 85 N; then, northwesterly along said highway to its intersection with Winchester Boulevard; then, northeasterly along said boulevard to its intersection with W Hacienda Avenue; then, westerly along said avenue to its intersection with Virginia Avenue; then, northerly along said avenue to its intersection with W Campbell Avenue; then, easterly along said avenue to its intersection with San Tomas Expressway; then, northerly along said expressway to its intersection with Williams Road; then, westerly along said boulevard to its intersection with Boynton Avenue; then, northerly along said avenue to its intersection with Moorpark Avenue; then, westerly along said avenue to its intersection with Saratoga Avenue; then, northeasterly along said avenue to its intersection with Stevens Creek Boulevard; then, westerly along said boulevard to its intersection with Kiely Boulevard; then, northerly along said boulevard to its intersection with Barcells Avenue; then, northeasterly along said avenue to its intersection with Layton Street;

then; northwesterly along said street to its intersection with Las Palmas Drive; then, northerly along said drive to its intersection with El Camino Real; then, easterly along said camino to the point of the beginning. Blossom Hill Road; then, starting westerly along said road to its intersection with Snell Avenue; then, southerly along said avenue to its intersection with Galero Avenue; then, westerly along said avenue to its intersection with Allen Avenue; then, southwesterly along said avenue to its intersection with Santa Teresa Boulevard; then, northwesterly along said boulevard to its intersection with Coleman Road; then, starting southwesterly along said road to its intersection with Almaden Expressway; then, northerly along said expressway to its intersection with Blossom Hill Road; then, starting westerly along said road to its intersection with Kooser Road; then, starting northwesterly along said road to its intersection with Meridian Avenue; then, northwesterly along said avenue to its intersection with Branham Lane; then, southwesterly along said lane to its intersection with Kirk Road; then, northwesterly along said road to its intersection with Lollie Court; then, westerly along said court to its intersection with Gavota Avenue; then, northwesterly along said avenue to its intersection with Silverwood Drive; then, southwesterly along said drive to its intersection with Manda Drive; then, northwesterly along said drive to its intersection with Foxworthy Avenue; then, southwesterly along said avenue to its intersection with Ross Avenue; then, northwesterly along said avenue to its intersection with Leigh Avenue; then, starting northerly along said avenue to its intersection with Curtner Avenue; then, southwesterly along said avenue to its intersection with New Jersey Avenue; then, northwesterly along said avenue to its intersection with Dry Creek Road; then, starting southwesterly along said road to its intersection with S Bascom Avenue; then, northerly along said avenue to its intersection with E Campbell Avenue; then, westerly along said avenue to its intersection with California Highway 17; then, northerly along said highway to its intersection with Interstate 880; then, northerly along said interstate to its intersection with W Hedding Street; then, westerly along said street to the point of the beginning.

....

Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.
Reference: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.